

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARK RUBENSTEIN,

Plaintiff,

-against-

K2 PRINCIPAL FUND, L.P., et al,

Defendants,

-and-

SIMPLICITY ESPORTS & GAMING CO. f/k/a
SMASH ENTERTAINMENT, INC. f/k/a I-AM
CAPITAL ACQUISITION CO.

Nominal Defendant.

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1:21-cv-00191-MKV

ORDER OF DISMISSAL


MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of a letter from Defendants informing the Court that the parties have reached a settlement in principle [ECF No. 21]. Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued without costs to any party and without prejudice to restoring the action to this Court's calendar if the parties are unable to memorialize their settlement in an agreement and as long as if the application to restore the action is made by **July 9, 2021**. If no such application is made by that date, today's dismissal of the action is with prejudice. *See Muze, Inc. v. Digital On Demand, Inc.*, 356 F.3d 492, 494 n.1 (2d Cir. 2004).

The Clerk of Court respectfully is requested to close all open motions in this case.

SO ORDERED.

Date: June 10, 2021
New York, NY


MARY KAY VYSKOCIL
United States District Judge